



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

PART VIII.

VIOLATIONS OF NEUTRALITY BY BELLIGERENT WAR-SHIPS.

The British Ambassador to the Counselor.

BRITISH EMBASSY,
Washington, September 24, 1914.

DEAR MR. COUNSELOR: You were good enough to call my attention to a report which had reached your attention to the effect that a British warship had communicated by wireless with the shore a request for some supplies. I at once informed my Government, who have telegraphed to me that His Majesty's ships have been instructed on no account to telegraph to New York for supplies or newspapers.

Yours sincerely,

CECIL SPRING-RICE.

The German Ambassador to the Secretary of State.

[Translation.]

J. No. A 1775.]

IMPERIAL GERMAN EMBASSY,
Washington, D. C., October 21, 1914.

MR. SECRETARY OF STATE: I am told that the tug *F. B. Dalzell* at 11 p. m. in the night of September 31–October 1, put to sea from Pier 6 East River, New York, to carry provisions to the British cruiser *Essex*. The *Essex* was lying about 5 nautical miles off Gedney Channel, two nautical miles southeast of Scotland Lightship. As she came out of Gedney Channel the tug is said to have come under the searchlight of the American warship *Florida* that was lying in front of the channel. The provisions, about 40 tons of fresh meats wrapped in cloth, were taken from the tug in boats that had been sent from the war vessel. The tug then returned to New York where it arrived at daybreak.

The tug *G. H. Dalzell* which belongs to the same line, went on a similar errand in the night of October 1–2. That tug also left from Pier 6 East River.

I have the honor to bring the foregoing to Your Excellency's knowledge with a request that you will kindly set on foot an investigation of the case and ascertain whether it constitutes a violation of the neutrality laws.

Accept, etc.,

J. BERNSTORFF.

The British Ambassador to the Secretary of State.

No. 371.]

BRITISH EMBASSY,
Washington, October 31, 1914.

SIR: With reference to my verbal communication which I made on the 16th with regard to the Italian Steamship *Amista*, I have the honor, under instructions from my Government, to make the following communication:

This ship was chartered by the Berwind-White Coal Mining Company of New York and loaded coal and stores at Newport News. Representations were made in writing to the collector of customs by the British Vice-Consul on the ground that the Berwind-White Coal Mining Company of New York was under strong suspicion of chartering neutral ships in order to supply German cruisers, that the firm named in Punta Arenas as receivers of the cargo, were only nominal consignees, and that the neutral clause in the vessel's charter party was incorrect.

The collector replied that he had inquired into the matter and had satisfied himself that the master and agents of the vessel were acting in good faith and that he could not see his way to withhold clearances.

The vessel cleared at the customhouse on October 17 and the Collector invited the Consul to inspect the clearance papers which were in order, the vessel clearing for Montevideo via Barbados.

I have now received information from my Government to the effect that the *Amista* never arrived at Barbados. At the slowest speed she should have arrived October 24. Under these circumstances I have the honor to invite the earnest attention of your Government to this confirmation of the suspect character of the vessel's voyage.

I have to add that the systematic way in which neutral ships have left American ports in order to supply German cruisers, and have been allowed to operate freely in the ports of the United States, in spite of the warnings which have been given, is a matter which causes grave anxiety to His Majesty's Government. I am therefore instructed to request that

in view of the usages of international law and the terms of the instructions of the United States Government to local authorities for the preservation of the neutrality of the United States, such measures as are possible may be taken to prevent the use of ports of the United States for this unneutral purpose.

I have, etc.,

CECIL SPRING-RICE.

The Acting Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, November 2, 1914.

EXCELLENCY: With reference to your note of the 31st ultimo regarding the Italian steamship *Amista*, which is reported to have cleared from Newport News on the 17th ultimo for Montevideo via the Barbados, where you state she appears not to have arrived, I have the honor to advise you that steps have been taken to make a further investigation of this case with a view to determining any other facts in regard to the *bona fides* of the destination of this vessel. The Department will also undertake to ascertain, if possible, whether the consignee of the cargo of the *Amista* expected such shipments to arrive.

You further state that the systematic way in which neutral vessels have left American ports in order to supply German cruisers and have been allowed to operate freely in the ports of the United States in spite of the warnings which have been given is a matter which causes grave anxiety to His Britannic Majesty's Government, and you request under instructions from your Government that such measures as are possible may be taken to prevent the use of the ports of the United States for this unneutral purpose.

In reply I have the honor to state that so far as I am advised every suspicious case of vessels leaving American ports to supply German cruisers which has been brought to the attention of the Government of the United States, with any basis of fact to support such suspicion, has been thoroughly investigated by the authorities of the United States with a view to determining in every possible way whether the transaction was *bona fide* or such as might be interfered with by this Government for the preservation of the neutrality of the United States. Further than this the Government of the United States does not understand that its duty in these matters requires it to go, for otherwise the war would

impose upon the United States the burden of enforcing restrictions which are not, in the opinion of this Government, prescribed by the rules of international law. The Government of the United States, therefore, feels obliged to decline to accept any suggestion intimating that its vigilance in the maintenance of its neutral duties under international law has been relaxed so as to allow vessels engaged in violations of such duties to "operate freely in the ports of the United States."

I have, etc.,

ROBERT LANSING.

The Acting Secretary of State to the German Ambassador.

No. 1133.]

DEPARTMENT OF STATE,
Washington, November 23, 1914.

EXCELLENCY: Referring to your note of the 21st ultimo, stating that your Embassy was in receipt of information to the effect that, on the night of September 30 last, the tug *F. B. Dalzell* put to sea from Pier 6, East River, New York, to carry provisions to the British cruiser *Essex*, which was lying off Gedney Channel; that as she came out of Gedney Channel the tug came under the searchlights of the U. S. S. *Florida*; that the provisions were taken from the tug in boats sent from the *Essex*; and that the tug *G. H. Dalzell* went on a similar errand on the night of October 1, I have the honor to inform you that the Government of the United States has had the matter thoroughly investigated and has not been able to find as yet sufficient evidence showing that the Tug *F. B. Dalzell* has furnished supplies to British warships. If Your Excellency can supply any evidence bearing on the matter, the Department will be glad to have a further investigation made on the basis of the new information.

Accept, etc.,

ROBERT LANSING.

The German Ambassador to the Secretary of State.

[Translation.]

J. No. A 2985.]

IMPERIAL GERMAN EMBASSY,
Washington, December 15, 1914.

MR. SECRETARY OF STATE: The position taken by the Government of the United States as to the delivery of coal and other necessities to

warships of the belligerent states constituting a violation of neutrality is, in the opinion of the Imperial German Government, untenable in international law. The Imperial Government has set forth its position on this point in a memorandum which, in compliance with instructions, I have the honor to forward to your Excellency.

The Imperial Government indulges the hope that the Government of the United States, upon perusal of the memorandum, will concur in the view of the Imperial Government and, within the limits drawn in the memorandum, will grant free clearance to vessels that should supply German warships with coal. I should be thankful to your Excellency for a communication in this respect.

Accept, etc.,

J. BERNSTORFF.

[Enclosure—Translation.]

MEMORANDUM.

Under the general principles of international law no exception can be taken to neutral states letting war material go to Germany's enemies from or through their territory. This is accordant with Article 7 of the Hague Conventions of October 18, 1907, concerning the rights and duties of neutrals in naval and land war. If, however, a state avails itself of that liberty in favor of her enemies, then it must, in accordance with a rule generally accepted in international law and confirmed in Article 9 of the two Conventions above cited, place no obstacle to the German military force ordering contraband from or through its territory.

The neutrality declaration of the United States takes this construction into full account when it allows contraband of war to be delivered equally to all belligerents.

"All persons may lawfully and without restriction by reason of the aforesaid state of war manufacture and sell within the United States arms and ammunitions of war and other articles ordinarily known as contraband of war."

The public declaration of the State Department of the United States of October 15, 1914, on the subject of neutrality and contraband, gave the widest acceptance to the above stated principle.

In spite thereof, various American port authorities have denied clearance from American ports to vessels of the merchant marine which would carry needed supplies or fuel to German warships either on the high seas or in other neutral ports.

According to the principles of international law above cited a neutral State need not prevent furnishing supplies of this character; neither can it, after allowing the adversaries to be furnished with contraband, either detain or in any way disable a merchant ship carrying such a cargo. Only when contraband trade would turn the ports into bases of German military operations would the unilateral stoppage of the trade of those vessels become a duty. Such, perhaps, would be the case if the Germans kept coal depots in the ports or if the vessels called at the port in regular voy-

ages on the way to German naval forces. But it stands to reason that one merchant vessel occasionally sailing with coal or supplies for German warships does not turn a neutral port into a German point of support contrary to neutrality.

Our enemies draw from the United States contraband of war, especially arms, worth several billions of marks. This in itself they are authorized to do. But if the United States will prevent our warships occasionally drawing supplies from its ports, a great injustice grows out of the authorization, for it would amount to an unequal treatment of the belligerents and constitute a breach of the generally accepted rules of neutrality to Germany's detriment.

The Secretary of State to the German Ambassador.

DEPARTMENT OF STATE,
Washington, December 24, 1914.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 15th instant enclosing, by direction of your Government, a copy of a memorandum of the Imperial Government on the subject of the delivery of coal and other necessities to warships of belligerent States. In the course of the memorandum your Government takes the opportunity to set forth its attitude toward traffic in contraband of war by citizens of neutral countries. I take note, therefore, of your Government's statement that "under the general principles of international law no exception can be taken to neutral States letting war material go to Germany's enemies from or through neutral territory," and that the adversaries of Germany in the present war are, in the opinion of the Imperial Government, authorized to "draw from the United States contraband of war, especially arms, worth several billions of marks." These principles, as you state, have been accepted by the United States Government in the statement issued by the Department on October 15 last, entitled "Neutrality and Trade in Contraband." Acting in conformity with propositions there set forth this Government has itself taken no part in contraband traffic and so far as possible has lent its influence toward equal treatment for all belligerents in the matter of purchasing arms and ammunition in the United States. Complaint, however, appears to be made by the Imperial German Government of the refusal of clearance by American authorities to merchant vessels intending to furnish fuel and supplies to German warships on the high seas or in neutral ports.

In reply I desire to call to your attention that the Government is not

aware that any merchant vessel has been refused a clearance on these grounds during the present war, although certain temporary detentions have been found to be necessary for the purpose of investigating the *bona fides* of the alleged destinations of particular vessels and the intentions of their owners or masters. This has been done in an effort to carry out the principles of international law and the declaration of treaties with respect to coal supplies for belligerent warships and the use of neutral ports as bases of naval operations. Although as a rule there is on the part of the nationals of neutral countries entire freedom of trade in arms, ammunition, and other articles of contraband, nevertheless the Imperial German Government will recall that international law and the treaties declaratory of its principles make a clear distinction between ordinary commerce in contraband of war and the occasional furnishing of warships at sea or in neutral ports. In this relation I venture to advert to Articles 18 to 20, inclusive, of Hague Convention No. 13, 1907. From these articles it will be observed that a warship which has received fuel in a port belonging to a neutral power may not within the succeeding three months replenish her supply in a port of the same power. It is, I am sure, only necessary to call your attention to these articles to make it perfectly clear that if a number of merchant vessels may at short intervals leave neutral ports with cargoes of coal for transshipment to belligerent warships at sea, regardless of when the warships last received fuel in the ports of the same neutral power, the conventional prohibition would be nullified, and the three months' rule rendered useless. By such practice a warship might remain on its station engaged in belligerent operations without the inconvenience of repairing to port for fuel supplies.

Furthermore, Article 5, of the same Convention, forbids belligerents to use neutral ports and waters as a base of naval operations against their adversaries. As stated in the Department's statement on "Merchant Vessels Suspected of Carrying Supplies to Belligerent Vessels," dated September 19 last (a copy of which is enclosed),¹ the essential idea of neutral territory becoming the base for naval operations by a belligerent is in the opinion of this Government *repeated* departure from such territory of merchant vessels laden with fuel or other supplies for belligerent warships at sea. In order to ascertain the vessels which are thus operating, the Government has been obliged to investigate certain cases in order that it might determine whether there have been or are about

¹ See Part IX, p. 235.

to be repetitions of such acts. But in all respects equality of treatment has been observed toward all merchant vessels suspected of carrying supplies to belligerent vessels.

It is hardly necessary to recount in this note the provisions of the Hague Conventions in regard to the fitting out or arming of vessels within the jurisdiction of a neutral power, or the stipulations in the same Conventions regarding the departure of vessels intended to cruise or engage in hostile operations which have been adopted entirely, or in part, for such use within neutral jurisdiction. To the extent of these restrictions the furnishing of munitions of war included in absolute contraband is prohibited in neutral waters, and therefore should not be permitted indirectly by means of naval tenders, or merchant vessels acting as tenders, carrying such materials from a neutral jurisdiction to belligerent warships at sea.

It is not necessary in further reply to the memorandum of the Imperial German Government to advert in detail to other provisions of the Hague Conventions or to other rules of international law, for no particular cases have been adduced as a ground for your Government's complaint. If, however, they will specify the vessels which they must have in mind as having been accorded unequal treatment, the Department will be glad to give further consideration to the memorandum of your Government in the light of actual facts. It is then sufficient to say for the present that in the pursuance of the policy to carry out the principles above referred to, which is part of the program of this Government to preserve and maintain the neutrality of the United States, all merchant vessels suspected of carrying supplies to belligerent warships at sea have been subjected, and will continue to be subjected, to unremitting and painstaking investigation. Such action cannot, it is believed, be fairly taken to amount to "unequal treatment of the belligerents and constitute a breach of the generally accepted rules of neutrality to Germany's detriment."

Accept, etc.,

W. J. BRYAN.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, March 24th, 1915.

DEAR MR. SECRETARY: Referring to unofficial correspondence which has taken place concerning the British cruisers in the North Atlantic, I

beg to state that renewed orders have been issued impressing on His Majesty's Officers the duty of strictly observing the terms of the United States neutrality regulations.

I am, etc.,

CECIL SPRING-RICE.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, March 27, 1915.

MY DEAR MR. AMBASSADOR: I have received your informal note of the 24th instant concerning the observance of the American neutrality regulations by the British cruisers in the North Atlantic. In this relation I desire to call to your attention certain information which has come to my notice with reference to the operations of belligerent cruisers in the North Pacific. I have been reliably informed that several times during the past winter belligerent ships of war have taken on coal, and perhaps other supplies, within the territorial waters of the United States in the vicinity of the islands off the Santa Barbara channel, southern California, and have had communication with the mainland in this locality. One circumstance in particular occurred, according to my information, on the 27th of February last, when the British steamship *Bellerophon*, of Liverpool, coaled the British cruiser *Rainbow* within a mile of the western shore of Anacapa Island. It appears that at the same time a launch left the vicinity of Hueneme, Cal., and communicated with the vessels above mentioned. I should appreciate the kindness if you will bring this matter informally to the attention of your Government, and, if the facts, upon examination, prove to be as represented, request your Government to issue such instructions to their fleet as will make a recurrence of such violations of the neutrality of the territorial waters of the United States impossible.

I am, etc.,

For the Secretary of State:
ROBERT LANSING.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, March 29, 1915.

MY DEAR MR. SECRETARY: I beg to acknowledge your informal letter of the 27th instant, in which you bring to my attention certain informa-

tion in your possession relative to the operations of British warships in the Pacific and in particular the report that the British steamship *Bellerophon* coaled His Majesty's Ship *Rainbow* on the 27th of February within a mile of Anacapa Island.

I am bringing this matter at once to the attention of my Government and shall take pleasure in communicating further with you upon the subject as soon as I am in a position to do so.

I am, etc.,

CECIL SPRING-RICE.

The British Ambassador to the Counselor.

BRITISH EMBASSY,
Washington, April 5th, 1915.

DEAR MR. COUNSELOR: In view of rumours circulated in the German press as to British cruisers systematically provisioning themselves from United States territory—notably New York—I beg to quote for your information the following extract from a letter of the Admiral in Command of the North American Station dated March 26:

Except on the one occasion in September last, which formed the basis of the complaint referred to in your telegram, I am satisfied that no attempt has been made to order anything from United States territory, and I would point out that apart from the fact that the provisioning of His Majesty's ships off New York is rendered quite unnecessary by their being regularly relieved, the obtaining of supplies in such a manner is open to two strong objections from a naval point of view, viz:

(1) The amount of provisions required to be of any use would be so large that they could hardly be embarked undetected, and it would take a considerable time to transfer them at sea.

(2) In wintry weather such a transfer would often be a matter of difficulty and not worth the risk to men and boats. I can not but think the United States Navy Department are alive to these considerations.

I am, etc.,

CECIL SPRING-RICE.